IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 3851 of 2007

DATE OF DECISION: 23.04.2007

Raj Rani ....Petitioner.

Versus

Chandigarh Administration and another ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE L.N. MITTAL

PRESENT: Mr.Balwinder Singh, Advocate
for the petitioner.

J.S. Khehar, J. (oral)

In order to respond to our query, whether or not, this Court has the jurisdiction to entertain the controversy raised by the petitioner, learned counsel for the petitioner has invited our attention to the notification dated 8/9.7.2004 (Annexure P12) wherein the Punjab Engineering College, which was earlier a department of the Chandigarh Administration, was converted into an autonomous institution, to be governed by the Punjab Engineering College Society. It is, therefore, the contention of the learned counsel for the petitioner, that the Punjab Engineering College, after the issuance of the notification, referred to hereinabove, ceased to be a part of the Chandigarh Administration, and as such, the provisions of the Administrative Tribunals Act, 1985, cease to govern the disputes in respect of service matters in connection with employees of the erstwhile Punjab Engineering College.

Through the instant writ petition, the petitioner seeks appointment on compassionate grounds, on account of the death of her husband, in harness, on 15.5.2005. It is the vehement contention of the learned counsel for the petitioner, that the petitioner's husband was inducted into the service of the respondents in the year 1983, and had uninterruptedly continued to discharge his duties till the date of his death. On account of having died in harness, the petitioner claims appointment on compassionate grounds. In this behalf, it is also the contention of the learned counsel for the petitioner, that the petitioner was required to fill up and deposit a proforma, depicting all the details of her claim. It is also the contention of the learned counsel for the petitioner, that the aforestated proforma was completed and submitted on 14.3.2006 (Annexure P11). Despite the submission of the aforesaid proforma (details of which were verified and found to be correct, in terms of the endorsements recorded thereunder), the claim of the petitioner ought to have been considered for appointment on compassionate grounds, yet no decision has been taken thereon till date.

Learned counsel for the petitioner states that the petitioner will be satisfied, if the instant writ petition is disposed of with a direction to respondent No.2 i.e. the Director, Punjab Engineering College, Chandigarh, to take a final decision on the claim of the petitioner for appointment on compassionate grounds, in furtherance of the proforma submitted by her on 14.3.2006.

In view of the above, without going into the merits of the claim raised by the petitioner, we consider it just and appropriate to

dispose of the instant writ petition by directing respondent No.2 i.e. the Director, Punjab Engineering College, Chandigarh, to take a final decision on the claim of the petitioner for appointment on compassionate grounds, by passing a well reasoned speaking order within two months from the date of receipt of a certified copy of this order.

Disposed of accordingly.

Order dasti, on payment of usual charges.

(J.S. Khehar)
Judge

(L.N. Mittal)
Judge

April 23, 2007.
vig